

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATIONAL LABOR RELATIONS BOARD,

No. 07-50712

Applicant,

District Judge George Caram Steeh

v.

JAMES E. STEELE,

Magistrate Judge R. Steven Whalen

Respondent.

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**ORDER GRANTING APPLICATION TO ENFORCE
SUBPOENA DUCES TECUM**

Before the Court is an Application for Order Enforcing Subpoena Duces Tecum [Docket #1] filed by the National Labor Relations Board [NLRB] on August 13, 2007. Respondent James E. Steele has not filed a response.

Following administrative proceedings, Region Seven of the Board obtained a default judgment against Respondent, which was affirmed by the U.S. Court of Appeals for the Sixth Circuit. *See NLRB v. Steele*, 972 F.2d 348, 1992 WL 188116 (6th Cir. 1992). Subsequently, the Board issued a Supplemental Decision and Order liquidating the fringe benefit amounts due as \$14,061.39. This decision was likewise affirmed by the Sixth Circuit. *See NLRB v. Steele*, 76 F.3d 379, 1996 WL 26916 (6th Cir. 1996).

On July 17, 2007, the Board properly served the subpoena duces tecum that is at issue, directing Respondent Steele to appear on August 1, 2007 at the Board's Office for Region Seven in Detroit, Michigan. Respondent neither petitioned to revoke the subpoena nor

appeared as directed.

Having reviewed the subpoena, the pleadings, and the other exhibits submitted by the Applicant, I find that the NLRB's issuance of the subpoena duces tecum is within the lawful jurisdiction of the government authority seeking the requested sworn testimony and documents, and that the subpoena was issued for a legitimate statutory purpose; that the testimony and documents sought are reasonably relevant to that purpose; and that the NLRB has observed all pertinent statutory procedures. Accordingly,

IT IS ORDERED that the Application [Docket #1] is GRANTED.

IT IS FURTHER ORDERED that Respondent James E. Steele shall comply with NLRB Subpoena No. B-464682 and appear before the Board at a time and place as the Regional Director may designate to produce all the records requested in the subpoena and to give testimony as directed, including signed affidavit testimony.

RESPONDENT'S FAILURE TO COMPLY WITH THIS ORDER WILL SUBJECT HIM TO SANCTIONS AND PENALTIES FOR CONTEMPT OF COURT.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: September 21, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys

and/or parties of record by electronic means or U.S. Mail on September 21, 2007.

S/G. Wilson
Judicial Assistant